

**STATEMENT OF
COMMISSIONER JONATHAN S. ADELSTEIN**

Re: Improving Public Safety Communications in the 800 MHz Band; Supplemental Order and Order on Reconsideration; WT Docket No. 02-55

Everyone agrees that the top priority of this proceeding has been resolving the 800 MHz interference problem currently experienced by our nation's first responders. In addressing that critical goal, though, one of my next top objectives has been to minimize the impact of our decision on 800 MHz licensees not directly affected or implicated by the interference problem. Over the last decade or so, the 800 MHz band has evolved into one of the premier land mobile radio communications bands and is now the home to thousands of licensees from all sectors of industry and state and local government. I have worked hard to protect the rights of these licensees during this proceeding because it simply is the right thing to do.

In this regard, I am pleased to support the clarifications in this Order addressing the relocation of one group of 800 MHz licensees – those non-Nextel, non-SouthernLINC licensees who hold Economic Area (EA) licensees. We rightly confirm that existing ESMR licensees like AIRPEAK and Airtel have the option to be relocated at Nextel's expense to the ESMR portion of the band (862-869 MHz). We also clarify that site-based licenses used within ESMR systems can be relocated at Nextel's expense to the 862-869 MHz block – even if they are not located within the licensee's EA – provided that the conditions laid out in paragraph 163 of the 800 MHz Report and Order are satisfied. If ESMR licensees think that this standard is too restrictive for certain operational sites in their system, they should file a waiver request detailing why this outcome is not in the public interest.

In the item, we also provide an opportunity to EA licensees who presently do not meet the ESMR definition but are interested in operating an ESMR system in the above 862 MHz band. These licensees can choose to move to the ESMR band and retain the "white space" they currently hold through their EA license provided they are willing to operate a cellular system in the band pursuant to technical rules clarified in this item. In the alternative, these EA licensees can remain in the band below 862 MHz, and operate "high-site" systems. The choice is theirs, and that is the right outcome of this proceeding.

Finally, I very much appreciate the support of my colleagues and the hard work of the Wireless Telecommunications Bureau in providing for the important clarifications in this Order.